March 14, 2016
Six o-clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, March 14, 2016, was called to order at 6:01 p.m. by the Honorable Mayor Joe A. Smith.

The roll having been called and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, LINDA ROBINSON, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (6/0). Aldermen MAURICE TAYLOR and STEVE BAXTER were not present. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The prayer was led by Dr. Candice Barrett, Gardner Church, and the pledge of allegiance was led by Alderman Foutch.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from the North Little Rock City Council held on Monday, February 22, 2016, were approved, accepted and filed as prepared by the City Clerk (7/0).

Alderman Taylor entered the council chambers at 6:03 p.m.

Mayor Smith announced the Special Call meeting scheduled this date.

March 11, 2016

Special Call Meeting of the North Little Rock City Council

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you that Mayor Smith has called a special meeting of the North Little Rock City Council at 6:00 p.m. Monday, March 14, 2016, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

> R-16-50 – A RESOLUTION APPROPRIATING ADDITIONAL FUNDS FOR COMPLETION OF THE DRAINAGE REHABILITATION PROJECT AT DICKEY-STEPHENS BALLPARK; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe Smith.

R-16-51 – A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH ARGENTCO, LLC FOR VACANT PROPERTY LOCATED AT 122 EAST 4TH STREET; AND FOR OTHER PURPOSES. Sponsor: Mayor Joe Smith.

Pursuant to Sec. 2-48(2) of the North Little Rock Municipal Code, you are entitled to 72 hours' *electronic* notice of this meeting. Please acknowledge receipt of this e-mail as soon as possible by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

C. Jason Carter
City Attorney

R-16-50 (RESOLUTION NO. 8949 – MAYOR SMITH)
A RESOLUTION APPROPRIATING ADDITIONAL FUNDS FOR COMPLETION OF THE DRAINAGE REHABILITATION PROJECT AT DICKEY-STEPHENS BALLPARK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution as adopted (7/0).

R-16-51 (RESOLUTION NO. 8950 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH ARGENTCO, LLC FOR VACANT PROPERTY LOCATED AT 122 EAST 4TH STREET; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Foutch and seconded by Alderman Taylor. Alderman Hight asked who Argentco, LLC was. Mayor Smith said Mr. Harold Tennenbaum. Mayor Smith reminded the council that he had mentioned this property at a previous council meeting. The property is used (for parking) by people coming downtown. The city started developing an entertainment district several years ago. Parking issues are a good problem to have. A little money needs to be spent to fix the lot. The city could rent the lot for (Verizon) arena events for about $4,000.00. The lease would be $8,000.00 a year. Alderman Foutch asked about pending legislation to suspend the sale of city property. Mayor Smith said this is not city owned property. Alderwoman Ross asked who would manage parking. Mayor Smith said during special events, Main Street (Parking), Clay Smith. On the previous motion, and by consent of all members present, the resolution as adopted (7/0).

Mayor Smith asked Mr. Tad Bohannon, CEO Central Arkansas Water (CAW) to come forward. Mr. Bohannon introduced the following CAW commissioners who were also present: Jay Hartman, John Braun, Carmen Smith and Eddie Powell. Mr. Bohannon said the public has had questions regarding lead in the water. It is not an issue here. Lead pipe comes into the water system through service lines (the line from the main to the water meter or the water meter to the structure). When water leaves the water treatment plants, there is no detectable lead. As it travels through the pipes, it can pick up lead from pipe and fixtures. CAW takes steps to adjust, control and maintain the integrity of the water.

Phosphates are added which creates a barrier between the water and the lead in pipes. Mr. Bohannon referenced Flint, Michigan, where they stopped adding phosphates to save money. This resulted in the water eating away pipes and lead getting into the water supply. The Environmental Protection Agency (EPA) has a lead and copper rule, which tells CAW what is safe. This has changed over time. CAW monitors samples of water which are provided to the Arkansas Department of Health. If lead reaches 15 parts per billion, then action is required, which includes public notice and awareness. Mr. Bohannon had charts illustrating a history of (lead) levels. CAW crews are randomly digging in areas to check the condition of existing pipes. Out of 200 locations, only 4 percent contained lead. CAW tests every three (3) years. Alderwoman White asked how residents would know if testing was underway. Mr. Bohannon said letters would be sent. Current testing is in areas where homes were built before 1930. Alderwoman White asked if home water filters like Britta work. Mr. Bohannon said no. Alderman Witcher said 1991 regulations may not have been followed in Flint. Alderwoman Ross asked if there were reliable home lead testing kits available. Mr. Bohannon said customers can call the CAW Water Quality Department and they will get a kit to them. Mr. Bohannon then discussed aging system infrastructure. CAW does a good job. He showed several graphs which illustrated the number of miles of pipe (2,300) and the age of the pipes. In 1900, 1910, and 1920, pipes being used were considered 100 year pipes. Pipes used in 1950, 1960 and 1970 were considered 50 year pipes. Basically, all of the underground pipes are coming of age at the same time. Different types of pipes were then reviewed including iron and PVC. Breaks in lines were discussed and compared to repairs on an aging vehicle. Under the current budget, CAW replaces about 4.1 miles of pipe per year. The rate of replacing pipes needs to be increased. Mr. Bohannon then showed a 2" galvanized pipe that had four (4) breaks within two feet. A map of the city illustrated the age of pipes. An analysis considered the age of the pipe, the area serviced and the consequences of a break and how many people would be affected. Financial considerations were then reviewed, which included the amount of repairs that can be made in the future based on specific figures. There is a current bond issue and a future one which has been calculated into rates. Mr. Bohannon said engineers have estimated that if the I-30 Bridge Project takes place, it will cost CAW about $9.5 million to remove the existing pipes and then replace them. Alderman Hight asked how many miles of pipe are on the customer side of the meter. Mr. Bohannon said they have 122,000 accounts with an estimated 100 feet per account.

On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, communications #1, 2, 3, and 4, were accepted and filed (7/0).

1. Bobby Boyd, Petition requesting a Speed Hump on Mills Street (*20 signatures – for*).
2. Glinda Craigmyle, Mayor's Office memorandum re: *Private Club – Restaurant Wine & Retail Beer on Premises – Change of Manager from Candy Kent* for Fox and Hound English Pub & Grille, 2800 Lakewood Village Drive, by Joshua Alexander.
3. Karen Scott, Finance Director/Chairman Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: ECR Adjustment Factor – March, 2016 (.0110) Credit.
4. Belinda Snow letter to Mayor Smith and City Council members re: appointment of Jon Beavers to the North Little Rock Housing Authority Board of Commissioners.

Mayor Smith announced citizens' public comment on legislation. Mr. Stephano Santomaria spoke regarding R-16-48. He had a rehabilitation agreement for the property. He has rewired the house. The house passed multiple inspections. There is a little work left to be done. The Building Inspector keeps coming up with new things for him to do. He then asked for additional time to complete the work. It is a solid house which he has invested $35,000.00 into.

UNFINISHED BUSINESS

R-16-30

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO REHABILITATE PROPERTY LOCATED AT 601 55TH TERRACE DRIVE IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was amended 2-22-16, called this date, and held by Alderman Foutch for Alderman Baxter.

CONSENT AGENDA

On the motion of Alderman Taylor and seconded by Alderman Foutch, and by voice vote, and all members present having voted "aye", consent items R-16-36, R-16-37, R-16-38, R-16-39, R-16-40, R-16-41, R-16-42, R-16-43, R-16-44, and R-16-45 were adopted (7/0).

R-16-36 (RESOLUTION NO. 8951 – MAYOR SMITH)

A RESOLUTION APPOINTING RICK THUROW TO THE POSITION PREVIOUSLY HELD BY TOM PRINCE ON THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-37 (RESOLUTION NO. 8952 – MAYOR SMITH)

A RESOLUTION APPOINTING MICHAEL MOORE, SR. TO THE POSITION PREVIOUSLY HELD BY JIM DAVIS ON THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

Mayor Smith thanked Mr. Moore and Mr. Thurow for their future service on the Civil Service Commission.

R-16-38 (RESOLUTION NO. 8953 – MAYOR SMITH)

A RESOLUTION APPOINTING IAN HOPE TO THE NORTH LITTLE ROCK NON-UNIFORMED EMPLOYEES RETIREMENT BOARD; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-39 (RESOLUTION NO. 8954 – MAYOR SMITH)

A RESOLUTION APPOINTING JILL PONDER TO THE NORTH LITTLE ROCK NON-UNIFORMED EMPLOYEES RETIREMENT BOARD; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-40 (RESOLUTION NO. 8955 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH BUTTERFLY COMMUNITY (SEIS PUENTES PROJECT); AND FOR OTHER PURPOSES, was adopted (7/0). (*$25,000.00*)

R-16-41 (RESOLUTION NO. 8956 – ALDERMAN WHITE)
A RESOLUTION ACCEPTING A LICENSE AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A COMMUNITY GARDEN LICENSE AGREEMENT WITH JUDY CROMWELL FOR IRIS PARK COMMUNITY GARDEN, was adopted (7/0). (*$2,300.00*)

R-16-42 (RESOLUTION NO. 8957 – ALDERMAN WHITE)
A RESOLUTION ACCEPTING A LICENSE AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A COMMUNITY GARDEN LICENSE AGREEMENT WITH DARK HOLLOW COMMUNITY DEVELOPMENT CORPORATION; AND FOR OTHER PURPOSES, was adopted (7/0). (*$1,200.00)*

R-16-43 (RESOLUTION NO. 8958 – ALDERMAN WHITE)
A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GARDEN LICENSE AGREEMENT WITH ST. PATRICK'S CATHOLIC CHURCH; AND FOR OTHER PURPOSES, was adopted (7/0). (*$5,000.00*)

R-16-44 (RESOLUTION NO. 8959 – ALDERMAN WHITE)
A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GARDEN LICENSE AGREEMENT WITH ST. JOSEPH CENTER OF ARKANSAS; AND FOR OTHER PURPOSES, was adopted (7/0). (*$600.00*)

R-16-45 (RESOLUTION NO. 8960 – ALDERMAN WHITE)
A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GARDEN LICENSE AGREEMENT WITH EDGEMONT IN PARK HILL, LLC FOR THE SKYLINE COMMUNITY GARDEN; AND FOR OTHER PURPOSES, was adopted (7/0). (*$500.00*)

NEW BUSINESS

R-16-46 (RESOLUTION NO. 8961 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE TRANSFER AND SALE OF AUTOMOTIVE PARTS AND SUPPLIES INVENTORIES TO GENUINE PARTS COMPANY, D/B/A NAPA AUTO PARTS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (7/0). (*$73,175.63*)

R-16-47 (RESOLUTION NO. 8962 – MAYOR SMITH)
A RESOLUTION EXPRESSING THE CITY'S INTENT TO HOLD ON THE SALE OR DEVELOPMENT OF CITY-OWNED PROPERTY IN THE DOWNTOWN AREA FOR 120 DAYS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-16-48
A RESOLUTION APPROVING A NINETY-DAY EXTENSION TO AN AGREEMENT TO REHABILITATE PROPERTY LOCATED AT 723 WEST 21ST STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman White and seconded by Alderman Foutch. Alderman Foutch asked why the legislation was filed for consideration only. Alderwoman White said the agreement has expired. The proposed legislation was recommended by the City Attorney. Mayor Smith asked if this would set a precedence and referenced the deadline in place. Mr. Carter said this was to bring the item before the council so the person could plead their case. This structure was condemned in January, 2015. After the process was followed, it was declared to be a public nuisance. A rehabilitation agreement was entered into with Mr. Santomaria at a later time. The terms of rehab agreements are strict because the property has already been deemed as a public nuisance. The intent is to remove the public nuisance. This property was deemed a public nuisance and an agreement was accepted. Amending the agreement is not a staff decision. The council can allow more time or leave the agreement as is. If more time is not allowed, the city will proceed with the process to remove the structure. Alderman Taylor said the agreement expired in December. Alderman Witcher said he was concerned that the inspector gave Mr. Santomaria a list of items and then added to it later. Alderwoman Robinson said she had heard the same. Mr. Tom Wadley, Code Enforcement Director said his office doesn't do the inspections referenced. When Mr. Santomaria began the work he had a contractor. The contractor is licensed and bonded. The owner relies on the contractor to take care of items including inspection requirements. The inspector referenced is the Planning inspector. Alderman Hight agreed with the Mayor that this may set a precedence. Alderman Taylor said these are considered on a case-by-case basis. Mr. Santomaria has already had an additional 90 days (since December). The roll having been called, and all members present having voted no, the resolution failed (0/7).

R-16-49 (RESOLUTION NO. 8963 – MAYOR SMITH)
A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST PROPERTY LOCATED AT 1109 EAST 2ND STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*amount - $5,142.14*)

O-16-16 (ORDINANCE NO. 8798 – MAYOR SMITH)
AN ORDINANCE ADOPTING THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Taylor, and seconded by Alderman Foutch, and the roll having been called, and all members present, having voted in the affirmative, the resolution was adopted (7/0). Emergency clause adopted (7/0).

O-16-17 (ORDINANCE NO. 8799 – MAYOR SMITH)
AN ORDINANCE AMENDING THE 2016 QUOTA ORDINANCE (ORDINANCE NO. 8790) FOR THE NORTH LITTLE ROCK FIRE AND PARKS AND RECREATION DEPARTMENT; DECLARING AN EMEGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Alderwoman Ross wanted to clarify that the 24 (firefighter) positions in the Fire Department are temporarily funded by a grant. Ms. Betty Anderson, Human Resources Director said promoted employees understand that if funding runs out, they will be moved back into their previous positions. Fire Chief James Murphy said the city will reapply for additional grants. The department is also being frugal. On the previous motion, and by the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

PUBLIC COMMENT

Mr. William Randy Mann works for the North Little Rock Electric Department at the Hydro Plant. He attends church at the Cornerstone Worship Center in Rose City, 301 Campbell Road. Pastor Barry Bearden expanded his church and merged with Cornerstone. Last year, the church had an Easter Egg Hunt with about 3,000 eggs. They have worked hard to become a part of the Rose City community. This year, a Community Easter Egg Hunt will be held. They already have over 7,000 eggs. They want to be a church that gives back to the community. Mr. Mann said if there is anything the church can help council members with, to let them know. Mayor Smith the city can help promote the event. The egg hunt will be at the church on 11 acres. Mr. John Richards spoke to the audience. He said since October, he has had an ongoing issue regarding the road to his family cemetery which has been there since the 1800's. Sod and a sprinkler system have been placed over the road. He said he read in the paper that the city has a $2 million surplus. He would like a two-lane blacktop road to his family cemetery. Alderwoman Robinson reiterated her concerns about inspections. Mr. Carter said there are two ways to look at the issue. On one hand a punch list would indicate what needs to be done. On the other hand, there are various codes, (Fire Prevention Code). If a safety issue is discovered, it has to be fixed. Alderman Foutch announced he was diagnosed with Myelofibrosis (bone marrow cancer) almost two (2) years ago. There is no cure and it is an aggressive disease. He is able to perform the bulk of his duties as an alderman. However, it will become increasing difficult in the future. He has been asked to seek reelection, but said he could not, in good faith, when he would likely not be able to

complete the term. He will not see reelection. He wanted to give those who may want to run for this office the opportunity to talk to their families and supporters. Alderwoman Ross said Alderman Foutch attends numerous meetings and represents the city well and she has a lot of respect for him. Alderman Witcher agreed with Alderwoman Ross. He then said he attended meetings in Washington (D.C.) last week with the National League of Cities (NLC). Some of the issues discussed included tax exempt municipal bonds, funding, the Internet Fairness Act, and Home Medication (Opium, etc.) and the need for first responders to carry EpiPens. There are some grants available. Alderman Taylor said he and Alderman Foutch haven't always seen eye-to-eye on all issues, however, he has a great amount of respect for him and how he has worked through issues. Mayor Smith referenced a map of the upcoming Operation FOCUS area in Rose City April 4-8, and 11-15, 2016. This is a larger area. There will be zero tolerance for all violations. The following departments will participate: police, fire, public works, street, and sanitation. Alderwoman Ross asked if the next Operation FOCUS could be in the Levy area of the city.

There being no further business to come before the Council, and on the motion of Alderman Foutch and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 7:10 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, March 28, 2016, at six o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED:_____

MAYOR JOE A. SMITH

ATTEST:_____

DIANE WHITBEY, CITY CLERK